

IDAHO REAL ESTATE APPRAISER BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 10/24/2011

BOARD MEMBERS PRESENT: Brad Janoush - Chair
Travis Klundt
Paul J. Morgan
Jack R. Van Wyk

BOARD MEMBERS ABSENT: Kenneth W. Nuhn

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Eric Nelson, Prosecuting Attorney
Roger Hales, Administrative Attorney
Maurie Ellsworth, Legal Counsel
Maria Brown, Technical Records Specialist

OTHERS PRESENT: Rick A. Bachmeier
Sharon Zanders
William Trey Knipe
Dave Russell
John Dillman
Anthony Hays
Dan Malouf
Robin Brady

The meeting was called to order at 8:30 AM MDT by Brad Janoush.

APPROVAL OF MINUTES

The Board reviewed the 8/22/2011 minutes.

It was moved by Mr. Van Wyk to approve the 8/22/2011 minutes as written.
Seconded by Mr. Klundt, motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative update. Proposed Laws and Rules have been published and are available on the Board's website. Mr. Janoush stated that the stakeholders working on the Appraisal Management Companies Legislation are still working on it.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicates a cash balance of (\$106,076.16) as of 9/30/2011.

FORMAL DISCIPLINARY ACTION

Mr. Nelson presented a memorandum for case REA-2010-19.

Mr. Morgan recused himself from discussion and voting on case REA-2010-19.

After review, the Board presented its recommendations to its prosecuting attorney.

Ms. Mac Master presented a memorandum for cases REA-2007-156, REA-2008-63, REA-2007-158, REA-2009-20, and REA-2007-159.

Mr. Hales addressed the Board regarding its previous conversation regarding these cases. The Board had directed counsel and its secretary to ask the Appraisal Foundation for an opinion regarding testimony in a court case. Mr. Hales shared the response from the Appraisal Foundation with the Board. The Board had a lengthy discussion on this matter.

It was moved by Mr. Van Wyk to require that all licensed appraisers providing opinions of value in litigation must comply with USPAP Standard 1, and keep a work file in support of their opinions of value in litigation. Seconded by Mr. Klundt, motion carried.

Mr. Hales urged the Board to add its position regarding testimony in a court case to its Rules. The Board asked that this item be added to its next agenda for discussion and for Mr. Hales to attend the meeting.

Mr. Janoush recused himself from voting on cases REA-2007-156, REA-2008-63, REA-2007-158, REA-2009-20, and REA-2007-159.

It was moved by Mr. Van Wyk to close cases REA-2007-158, REA-2007-159, and REA-2009-20 with a strongly worded advisory letter sent to both

respondents and for the Vice Chairman, Mr. Morgan, to review prior to sending. Seconded by Mr. Klundt, motion carried.

It was moved by Mr. Van Wyk to close case REA-2007-156 with a strongly worded advisory letter sent to both respondents and for the Vice Chairman, Mr. Morgan, to review prior to sending. Seconded by Mr. Klundt, motion carried.

It was moved by Mr. Van Wyk to close case REA-2008-63 with a strongly worded advisory letter sent to both respondents and for the Vice Chairman, Mr. Morgan, to review prior to sending. Seconded by Mr. Klundt, motion carried.

Ms. Mac Master presented the Board a Stipulation and Consent Order for case REA-2007-8.

Mr. Janoush recused himself from discussion and voting on case REA-2007-8.

It was moved by Mr. Van Wyk to reject the Stipulation and Consent Order for case REA-2007-8 and close the case with a strongly worded advisory letter and for the Vice Chairman, Mr. Morgan, to review prior to sending. Seconded by Mr. Klundt, motion carried.

The Board thanked Ms. Mac Master for all of her hard work over years.

Ms. Peel addressed the Board and thanked Mr. Janoush and Ms. Jodi Graham for giving a presentation to the Bureau investigators during their annual training session. The Board asked that a letter be sent to Ms. Graham thanking her for her presentation during the Investigative Unit's recent training.

INVESTIGATIVE REPORT

Ms. Peel presented the investigative report.

For Board Determination:

Case numbers I-REA-2011-30, I-REA-2012-1, I-REA-2012-2, and I-REA-2012-3:

Mr. Morgan recused himself from discussion and voting on cases I-REA-2011-30, I-REA-2012-2, and I-REA-2012-3.

Mr. Klundt recused himself from discussion and voting on case I-REA-2012-1.

Following review, it was moved by Mr. Van Wyk to accept the Bureau's recommendation for closure for cases I-REA-2011-30, I-REA-2012-2, and I-REA-2012-3. Seconded by Mr. Klundt, motion carried.

Following review, it was moved by Mr. Van Wyk to accept the Bureau's recommendation for closure for case I-REA-2012-1. Seconded by Mr. Morgan, motion carried.

Ms. Peel presented the Board a Stipulation and Consent Order for case REA-2012-5.

It was moved by Mr. Van Wyk to accept the Consent Order for REA-2012-5 and authorize the Board Chair to sign on behalf of the Board. Seconded by Mr. Klundt, motion carried.

Ms. Peel presented the Board a Stipulation and Consent Order for case REA-2012-6.

It was moved by Mr. Morgan to accept the Consent Order for REA-2012-6 and authorize the Board Chair to sign on behalf of the Board. Seconded by Mr. Van Wyk, motion carried.

Ms. Peel presented a request for termination of probation for case REA-2007-119.

It was moved by Mr. Van Wyk to approve the request for termination of probation for case REA-2007-119 providing the final report review is adequate. Seconded by Mr. Morgan, motion carried.

Ms. Peel presented a request for termination of probation for case REA-2008-38.

Mr. Klundt recused himself from discussion and voting on case REA-2008-38.

It was moved by Mr. Van Wyk to approve the request for termination of probation for case REA-2008-38. Seconded by Mr. Morgan, motion carried.

Ms. Peel presented a request for reinstatement without restriction for case REA-2010-16.

Mr. Van Wyk recused himself from discussion and voting on case REA-2010-16.

It was moved by Mr. Morgan to approve the request for reinstatement without restriction for case REA-2010-16. Seconded by Mr. Klundt, motion carried.

Ms. Peel presented a request to extend the continuing education requirement for case REA-2008-74. The Board gave its recommendation to Mr. Peel.

PROBATION REPORT

Ms. Peel presented the probation report.

Ms. Peel informed the Board that the respondent in case number REA-2011-7 stated that he is not planning on renewing his Idaho appraiser's license.

It was moved by Mr. Van Wyk that if the licensee for case number REA-2011-7 chooses to renew his license in the future, he will be placed on probation for nine months and required to provide appraisal logs for Board review at three and six months.

Ms. Peel informed the Board that the first quarterly report submission has been sent to the Appraisal Subcommittee.

Ms. Peel discussed with the Board a request from the collection agency that handles past due disciplinary accounts. The collection agency asked if the Board would give the Bureau the authority to negotiate a settlement on any past due balances.

It was moved by Mr. Van Wyk to grant the Bureau the authority to allow the collection agency to negotiate settlement of a collections case to a minimum amount, and any potential settlement less than that amount of the original debt would be brought to the Board for review. Seconded by Mr. Morgan, motion carried.

TO DO LIST

The Board reviewed the to do list. No action was taken.

OLD BUSINESS

DESK REVIEWS

The Board discussed if a real estate appraisers license is required to perform a desk review. The Board stated that a license or temporary permit is required for anything above an administrative fact finding review. The Board asked that this statement be added to its website under frequently asked questions.

NEW BUSINESS

2012-2013 USPAP

The Board discussed ordering the 2012-2012 USPAP books for the investigative staff.

It was moved by Mr. Morgan to authorize the Bureau to order ten 2012-2013 USPAP books for its investigative staff. Seconded by Mr. Van Wyk, motion carried.

The Board streamed in and watched the USPAP revisions video from the Appraisal Foundations e-library.

CORRESPONDENCE

The Board reviewed a letter from Mr. John Dillman regarding appraisal report requirements for court testimony in the State of Oregon. The Board stated that its earlier position on this matter has been made.

The Board reviewed a letter from Mr. Brian Burton and Mr. Bradford T. Knipe regarding the pending approval from the Appraisal Foundation of the four hour course, Online Supervising Appraisal Trainees.

Mr. Janoush recused himself from discussion and voting on Mr. Burton and Mr. Knipe's request.

It was moved by Mr. Van Wyk to allow supervisors in Idaho to substitute a course on the role of a supervisor that may be fewer hours until the four hour course from the Appraisal Institute is available again. Seconded by Mr. Morgan, motion carried.

The Board reviewed a letter from Ms. Sharon Zanders regarding the lack of activity for her pending application.

It was moved by Mr. Klundt to approve Ms. Zanders' request for an extension. Seconded by Mr. Van Wyk, motion carried.

The Board reviewed a letter from Ms. Laura Ward regarding the lack of activity for her pending application.

It was moved by Mr. Van Wyk to deny Ms. Ward's request for an extension based on the requirement to meet the new criteria changes and lack of activity for her pending application. Seconded by Mr. Morgan, motion carried.

It was moved by Mr. Morgan to amend the agenda to include discussion of correspondence from Anthony Hays. The item was not previously on the agenda due to time restraints per Idaho Code 67-2343 (4) (c). Seconded by Mr. Van Wyk, motion carried.

The Board reviewed a letter from Anthony Hays regarding the lack of activity for his pending application.

It was moved by Mr. Klundt to approve Mr. Hays request for an extension. Seconded by Mr. Van Wyk, motion carried.

The Board reviewed correspondence from the Appraisal Foundation which included a voluntary disciplinary matrix. The Board asked that a copy of the matrix be forwarded to Mr. Nelson.

TEMPORARY PERMITS

The Board addressed temporary permit applications that include discipline against a license listed on the National Registry.

It was moved by Mr. Morgan that if the Board grants a temporary permit to an applicant who has discipline listed on the national registry, and that individual applies for additional temporary permits, Ms. Brown may approve the permits as long as there is not new discipline listed. Seconded by Mr. Morgan, motion carried.

LICENSURE COUNT

The Board discussed the current licensee count. No action was taken.

ASSOCIATION OF APPRAISER REGULATORY OFFICIALS FALL CONFERENCE

Mr. Janoush and Ms. Brown presented a summary of the 2011 Association of Appraiser Regulatory Officials Fall conference.

EXECUTIVE SESSION

It was moved by Mr. Van Wyk that the Board go into executive session under Idaho Code § 67-2345(1) (d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. Seconded by Mr. Klundt. The vote was: Mr. Klundt, aye; Mr. Morgan, aye; Mr. Janoush, aye; and Mr. Van Wyk, aye. Motion carried.

It was moved by Mr. Van Wyk that the Board enter regular session. Seconded by Mr. Klundt. The vote was: Mr. Klundt, aye; Mr. Morgan, aye; Mr. Janoush, aye; and Mr. Van Wyk, aye. Motion carried.

APPLICATIONS

Approved for Exam

It was moved by Mr. Morgan to approve the following applicants for examination:

MALOUF DANIEL RAYMOND LRA
BRADY ROBIN CGA

Seconded by Mr. Van Wyk, motion carried.

Approved for a Temporary Permit

It was moved by Mr. Van Wyk to approve the following applicants for a temporary permit:

CHUDLEIGH WALTER H TCGA

Seconded by Mr. Morgan, motion carried.

NEXT MEETING 12/12/2011

ADJOURNMENT

It was moved by Mr. Morgan that the meeting adjourn at 2:35 PM MDT.
Seconded by Mr. Van Wyk, motion carried.